

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION**

CASE NO.: 2:22-cv-256

PREPARED FOOD PHOTOS, INC. FKA
ADLIFE MARKETING &
COMMUNICATIONS CO., INC.,

Plaintiff,

v.

GREGORY KOCKETKOV D/B/A LA
FELICE PIZZA & PASTA,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff PREPARED FOOD PHOTOS, INC. FKA ADLIFE MARKETING & COMMUNICATIONS CO., INC. by and through its undersigned counsel, brings this Complaint against Defendant GREGORY KOCKETKOV D/B/A LA FELICE PIZZA & PASTA for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff PREPARED FOOD PHOTOS, INC. FKA ADLIFE MARKETING & COMMUNICATIONS CO., INC. (“Adlife”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Adlife’s original copyrighted Work of authorship.

2. Adlife is a retail food advertising company servicing retailers and wholesalers throughout the United States for almost 40 years. Adlife specializes in custom photography, full

service design and production, web and print management, mobile technology, and proprietary digital advertising platforms.

3. Defendant GREGORY KOCKETKOV D/B/A LA FELICE PIZZA & PASTA (“Felice-Pizza”) is a pizzeria restaurant. At all times relevant herein, Felice-Pizza owned and operated the internet website located at the URL <https://pizzalafelice.com/> (the “Website”).

Adlife alleges that Felice-Pizza copied Adlife’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Felice-Pizza committed the violations alleged in connection with Felice-Pizza’s business for purposes of advertising and promoting sales to the public in the course and scope of the Felice-Pizza’s business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Pennsylvania.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Gregory Kocketkov D/B/A La Felice Pizza & Pasta is a Pennsylvania-domestic fictitious name, with its principal place of business at 3324 Babcock Blvd, Pittsburgh, PA 15237, and can be served by serving its owner, Gregory Kocketkov, at 352 Oakville Drive, Unit #TA, Pittsburgh, PA 15220.

THE COPYRIGHTED WORK AT ISSUE

In 1998, Adlife created the photograph entitled “SandwichSub001”, which is shown below and referred to herein as the “Work”.

Adlife registered the Work with the Register of Copyrights on October 31, 2016 and was assigned the registration number VA 2-020-970. The Certificate of Registration is attached hereto as Exhibit 1.

Adlife’s Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Adlife was the owner of the copyrighted Work at issue in this case.



INFRINGEMENT BY DEFENDANT

14. Felice-Pizza has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Felice-Pizza copied the Work.

16. On or about April 25, 2019, Adlife discovered the unauthorized use of its Work on the Website. The Work was used for offering chicken ranchero sandwiches.

17. Felice-Pizza copied Adlife's copyrighted Work without Adlife's permission.

18. After Felice-Pizza copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its daily commercial activities.

19. Felice-Pizza copied and distributed Adlife's copyrighted Work in connection with Felice-Pizza's business for purposes of advertising and promoting Felice-Pizza's business, and in the course and scope of advertising and selling products and services.

20. Adlife's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. Felice-Pizza committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

22. Adlife never gave Felice-Pizza permission or authority to copy, distribute or display the Work at issue in this case.

23. Adlife notified Felice-Pizza of the allegations set forth herein on February 23, 2021 and March 11, 2021. To date, Felice-Pizza has failed to respond to Plaintiff's Notices. Copies of the Notices to Felice-Pizza are attached hereto as Exhibit 3.

COPYRIGHT INFRINGEMENT

24. Adlife incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Adlife owns a valid copyright in the Work at issue in this case.

26. Adlife registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. Felice-Pizza copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Adlife's authorization in violation of 17 U.S.C. § 501.

28. Felice-Pizza performed the acts alleged in the course and scope of its business activities.

29. Felice-Pizza's acts were willful.

30. Adlife has been damaged.

31. The harm caused to Adlife has been irreparable.

WHEREFORE, the Plaintiff Prepared Food Photos, Inc. fka Adlife Marketing & Communications Co., Inc. prays for judgment against the Defendant Gregory Kocketkov D/B/A La Felice Pizza & Pasta that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Felice-Pizza's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: February 10, 2022

Respectfully submitted,

/s/Joseph A. Dunne

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